



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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January 14, 2004

TO: Washington State Board of Health Members

FROM: Craig McLaughlin, Board Staff

RE: LIKELY LEGISLATIVE ISSUES DURING 2004 SESSION

The 2004 legislative session, an interim or “short session,” convened January 12. This document discusses issues related to public health and the Board’s authority that are likely to spawn discussion and legislation during the current session. Information changes quickly during session; this document represents the best information available to Board staff as of Friday, January 9.

Two-year bills: Bills that did not pass in the 2003 session could be reintroduced as two-year bills. Proposed legislation tracked by the Board last session that could be revived this session include:

SHB 1068 HB 1646 SSB 5764	Public water fluoridation
SHB 2015	Small employer health insurance
SB 5059	Genetic information discrimination
SB 5060 HB 1412	Children's environmental health
SB 5085	Water recreation facilities
SB 5313	Health care recovery act
SB 5421 HB 1825	Newborn hearing screening
SB 5495	Environmental health tracking system
SSB 5521 HB 1871	Health insurance
SSB 5807	Basic health plan revision
SB 5920 HB 2070	Local public health services
SB 5929	Genetic information

DOH request legislation: The Department of Health (DOH) is pursuing a small number of departmental request bills. They do not directly pertain to the Board’s priorities or statutory authorities. Most relate to professional licensing. (Professional licensing and discipline are expected to be hot issues for DOH this session because of some high-profile cases of professional misconduct.) One DOH request bill is a two-year bill that was addressed in the 2003 sense of the Board document and tracked by Board staff because of possible ties to the Board’s work on increasing the diversity of the health care workforce. Another piece of DOH request legislation would attempt to reduce the illegal manufacture of methamphetamine by identifying distributors handling unusual amounts of pseudoephedrine, a meth precursor. The department licenses distributors of over-the-counter medications.

Governor's supplemental budget: Governor Locke has proposed a supplemental budget that would increase fiscal year 2004-05 spending from the state's general fund by \$193 million (total general fund spending for the 2003-05 biennium is \$23 billion). It contains a package of measures that would use funds from the Health Services Account to shore up health care delivery systems in underserved rural areas. These measures include a tripling of a loan repayment program for doctors, malpractice insurance payments for volunteer doctors, 25 more part-time nurses in the School Nurse Corps, telecommunications improvements, and increased Medicaid reimbursement rates for labor and delivery services for low-income patients. The supplemental budget would also reduce or eliminate, depending on family income, scheduled premium shares for children on Medicaid. DOH is also seeking about \$200,000 in additional funding for its zoonotics program, which includes West Nile virus response programs.

SBOH rule exemptions: Several constituencies have discussed possible legislation that would remove them from regulation under current Board rules:

- Some homeless shelter operators would like a legislative exemption from the transient accommodations rule. The Board has been working with DOH and shelter operators to develop a minimally intrusive model of regulation. The Board will hear more about the workgroup's proposal at its March meeting.
- Adult family homes want employees exempted from food worker card requirements. Board staff members have been working with other agencies to strengthen the food safety component of a testing and training program for AFH employees that is conducted by the Department of Social and Health Services. They have been unable to reach interagency agreement on a compromise.
- Church and community groups may seek to have potlucks excluded from the requirements of the food code. The advisory groups working on proposed food code revisions that the Board will consider later this year are still discussing possible wording around potlucks.
- The building industry may seek legislation allowing septic systems on smaller lots than the Department of Ecology has recommended. The On-site Sewage Advisory Committee has been discussing this issue and reviewing whether there is evidence that septic systems on small lots pose a threat to human health.

Tort reform: The Washington State Medical Association's highest priority continues to be medical malpractice reform with a \$250,000 cap on non-economic damages. The Governor has proposed an alternative that focuses on patient safety initiatives. It has no cap and features a Patient Compensation Fund, seeded with \$10 million from the Health Services Account, intended to lower the cost of malpractice insurance and cover settlements that exceed the limit of providers' insurance.

Tobacco: Sponsors are expected to push for passage of HB 1868 and SB 5791, which would extend the Clean Indoor Air Act ban on indoor smoking in public places. There are also likely to be measure to reduce youth access to tobacco.

Communicable disease: Rep. Schual-Burke may propose legislation mandating hepatitis C training for nursing personnel as a condition of licensing. Rep. Mastin may introduce legislation making it easy for workers at correctional facilities to get information about possible exposure to hepatitis and other bloodborne pathogens as defined by the Board. Legislation may be introduced to ban state purchase of vaccines containing thimerosal, a preservative that contains ethylmercury. Thimerosal is not currently used in licensed vaccines regularly recommended for school-age children (though it may appear in trace amounts). It is used in some influenza vaccines.

Health disparities: Senate staff, at the request of Senator Franklin, has been working on legislation to establish a “Joint Select Committee on Health Disparities.”

Injury prevention: Proposed legislation would change the intermediate drivers’ license law so a person with an intermediate license must be accompanied by a licensed driver with five years driving experience rather than three. There may be some effort to roll back the primary seatbelt law.

School environmental health: The American Lung Association of Washington has contacted Board staff about “asthma friendly schools” legislation that would include provisions related to school indoor air quality. Senator Jacobsen is developing legislation that could require monitoring drinking water in schools.

Health care reform: There has been discussion about establishing a study group that would look at systematic reform of medical care financing and delivery. The Board has been mentioned as one possible venue for such work.

Regulatory reform: Several bills last session focused on changing regulatory processes to make regulators more accountable and to reduce burdens on business. Additional “reg reform” bills will likely receive consideration this session. The Governor’s Office is working on a bill to simplify environmental permitting. A draft bill requested by Sen. Swecker would establish a nonprofit entity to mediate between people requesting permits and permitting agencies. Such measures could affect water, sewage and other environmental health permits issued by state and local public health agencies.

Birth certificate privacy: There may be an effort to provide greater privacy and discourage identity theft by requiring more information from people who request birth certificate copies. This should not change the birth certificate form, which is governed by Board rule.